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 AMTRUST BANK

## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA, LAS VEGAS DIVISION

In re

USA COMMERCIAL MORTGAGE  
 COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

Chapter 11

USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

**AMENDED NOTICE OF HEARING RE  
 AMTRUST BANK'S MOTION FOR  
 RELIEF FROM THE AUTOMATIC STAY**

USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,

Debtor.

Date: November 13, 2009  
 Time: 9:30 a.m.  
 Place: Courtroom 1  
 Foley Federal Building  
 300 Las Vegas Blvd., South  
 Las Vegas, Nevada

USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,

Debtor.

USA SECURITIES, LLC,

Debtor.

## 1 AFFECTS:

2 ☒ All Debtors  
 3 ☒ USA Commercial Mortgage Company  
 4 ☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed  
☐ Fund, LLC  
☐ USA Securities, LLC.

6 **TO ALL INTERESTED PARTIES:**

7 **AMENDED NOTICE IS HEREBY GIVEN** that a Notice of Motion (the "Original  
 8 Notice") and Motion for Relief from the Automatic Stay was filed and served on October 20,  
 9 2009. As more fully described in the Motion, senior lien holder, AmTrust Bank, seeks, among  
 10 other things, a determination that the automatic stay does not prevent AmTrust Bank from  
 11 exercising its rights and remedies against certain real property in the City of Temecula, in the  
 12 County of Riverside, California (more commonly known as Roripaugh Ranch) and/or that the  
 13 automatic stay be lifted to allow AmTrust Bank to exercise such rights and remedies. Any  
 14 opposition must be filed pursuant to Local Rule 9014(d)(1).

15 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before a  
 16 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,  
 17 Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101 on November 13, 2009, at  
 18 the hour of 9:30 a.m.

19 **NOTICE IS FURTHER GIVEN** that if you oppose the relief sought in the Motion, then,  
 20 pursuant to Local Rule 9014(d)(1), you must file an opposition with the Court, and serve a copy  
 21 on the person making the Motion, *no later than fifteen (15) days* after the Original Notice was  
 22 served (October 20, 2009). If the hearing date has been set on less than 15 days' notice, then the  
 23 opposition must be filed and served *no later than five (5) business days* before the hearing. The  
 24 opposition must set forth all relevant facts and any legal authority, and must be supported by  
 25 affidavits or declarations that conform to Local Rule 9014(c).

26 If you object to the relief requested, you *must file a* **WRITTEN** response to this pleading  
 27 with the Court. You *must* also serve your written response on the person who sent you this notice.

28

1 If you do not file a written response with the Court, or if you do not serve your written  
2 response on the person who sent you this notice, then:

- 3 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 4 • The Court may *rule against you* without formally calling the matter at the hearing.

5 If no response or opposition is filed within the time required under Local Rule 9014, the  
6 matter will be deemed unopposed, the Court may enter an order granting the relief requested in the  
7 Motion without further notice and without a hearing, and no appearance need be made.

8  
9 DATED this 27th day of October, 2009.

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16 - and -

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23 AmTrust Bank  
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